



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

March 10, 2023

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court’s Order dated January 18, 2023 (ECF No. 178).

Since the last report, the undersigned has conducted additional necessary consultations within the Government relating to Defendants’ counter-offer on the issue of fees. Based on those discussions, the undersigned needs to obtain final approvals of a revised counter-offer concept, which has not yet been completed. Given the ongoing nature of these consultations, the parties respectfully and jointly ask the Court’s leave to submit a further status report by April 14, 2023. We thank the Court for its consideration of this request, and the undersigned again thanks the Court and the Plaintiffs for their continued patience in this matter, which is very much appreciated.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendants*

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